

The Pocahontas Times.

Vol. 25, No 12

Marlinton, Pocahontas Co., Virginia, October 25 1906

\$1.00 A Year

OBITER DIGTA.

From Law Notes.

STILL ROOM, MAYBE—Many lawyers will learn with regret and self-reproach that until very recently Keweenaw county, Mich., had for years not been able to boast a single attorney. During August, however, Mr. A. C. Granger, a graduate of the University of Michigan, rushed into the vacuum.

ABE HUMMEL REVEALED—In a recent editorial the Galveston (Tex.) News remarked that the New York Appellate Division had "suspended Col. Abe Hummel, an eminent criminal lawyer." No reason was assigned bestowing the rank of colonel on the eminent criminal lawyer, but perhaps it was because the News thought he was as rank as any Georgia lawyer.

IS A THREAT TO STRIKE DURESS?—There is a case now pending before the Paris law courts involving the novel question whether a contract signed by an employer under threat of the employees to strike is void for duress. The defendant, who is the director of the Metropolitan circus, discharged all the members of his orchestra within a week after signing with them a contract for the season. The orchestra brought suit for something over six thousand dollars damages for the breach of the contract, and the director set up that the contract was void because he was coerced into signing it by threat of a strike.

AN OCCASION FOR DIPLOMACY—In the trial of a criminal case in the southern part of Indiana one of the leading lawyers of that State was attempting to lessen the weight of the testimony given by a certain witness. Responding to a question as to the nature of his vocation, the witness stated that he was not just then engaged in work of any kind. "You're a common loafer, aren't you?" asked the lawyer. "Well, I may be," was the response. "And your father was a loafer too, wasn't he?" "Well, I don't know," replied the witness. "He's on the jury there, you might ask him." The rest of the questioning was a shining specimen of courteous consideration.

THE COURT TOOK JUDICIAL NOTICE—A New Jersey correspondent who has been edited by the tales from justices' courts which have illuminated this column from time to time contributes the following in regard to a recent happening in the court of a local magistrate:

A justice in this city, upon complaint, issued his warrant for an alleged violation of an ordinance of the city relative to the registering of dogs. The complaint and warrant were both bad. Upon the defendant being brought before him, the justice said, "How do you plead, guilty or not guilty?" to which the defendant, who was not allowed time to counsel, replied "Not guilty." The justice then said "I know a five-dollar better. I fine you five dollars and two dollars and eighty cents costs." These words constituted the entire hearing, and, needless to state, certiorari proceedings are now pending.

A MISTAKE OF COLOR—A hard-luck "Jim Crow" story that comes from Kentucky concerns one Mr. Thurman. It seems that, although Mr. Thurman is of indubitable Caucasian pedigree, he is so "dark complected" that a conductor on the Southern Railway was misled by the murkiness of his cuticle and insisted on his leaving the white car and taking his seat in that reserved for persons of color. Mr. Thurman, not unreasonably indignant, brought suit for damages against the railroad, but the Kentucky court decided that the company was "not liable merely because, in the exercise of ordinary care, it mistook the race to which the passenger belonged." And so Mr. Thurman took nothing by his false clamor, or in the character passage of the day "was handed a lemon."

A BLUFF THAT WAS PROMPTLY

CALLER—A correspondent sends us the following true story from Indiana: In a case tried not long since in Noblesville, Hamilton county, Ind., the plaintiff was represented by a youthful attorney, while the defendant's counsel was one of the bluffing old war horses of the bar. In his argument the plaintiff's attorney attempted to gain a point by calling attention to the plaintiff's moderation in asking for only \$2,500 damages in his complaint. "At this point the old lawyer 'batted in' with a sarcastic suggestion that he would 'better amend and ask for five thousand dollars.'" "All right," said the young one cheerfully, "with the court's permission and yours, I'll do it." The court consented to the amendment, and the dignified attorney for the defense did not feel himself in a position to object to the adoption of his own suggestion. To the great delight of the onlookers the jury returned a verdict in the plaintiff's favor for \$4,500.

AN UNREASONABLE MURDERER—The French ministry of justice recently found itself placed in a fine dilemma through the unreasonable behavior of a condemned murderer. As our readers probably know, capital punishment long ago fell into disrepute in France, and while it was not abolished by law, the growth of public feeling against the infliction of the death penalty gave rise to a practice of commuting every death sentence upon the application of the condemned prisoner. This plan worked well enough until a few months ago, when there appeared upon the scene this refractory murderer who flatly refused to apply for a commutation of sentence and stood upon his rights as a French citizen to have his head removed according to law. All the persuasive arts of the Gallic tongue were brought to bear on him. It was explained to him that the guillotine had fallen into state of hopeless disrepair and that, anyhow, there wasn't anybody who knew how to operate it properly. With tears in their eyes the officials pleaded with him to hand in his application like a good fellow and not spoil everything—but in vain. That vexatious murderer obstinately stood out for his rights. His head should be chopped off or he would know the reason why. Finally the minister of justice was forced to the expedient of pretending that the prisoner had applied for commutation of his sentence and making up the record in accordance with that fiction. And so the day was saved and the murderer was borne off to life imprisonment protesting violently against so gross a miscarriage of justice. In consequence of this vexatious occurrence the death penalty has now been legally abolished in France.

FLASHES FROM THE AMERICAN BAR ASSOCIATION BANQUET—There were a number of witty responses to toasts at the American Bar Association's annual dinner in St. Paul. T. C. Hume, Jr., of Texas, responding to the toast "The Young Lawyer," said: "My name has long been a household word—in my own family. I do not pretend to be a great lawyer—I am. And yet even I was once a young lawyer. From the wilds of Texas I come, unarmed, bringing this message of enlightenment to you. Like the Spartan mother, my state sent me forth with the injunction, 'Go, and come back with your nerve, or on it.' The young lawyer is long on theory—and short on practice. His chief destiny is to become old. To the young lawyer of this section I would say, avoid the spirit of commercialism which is about you. Coming from the high ethical atmosphere of Texas, I am shocked to learn that the lawyers of the north and east openly receive money for legal services."

Private John Allen, of Mississippi, indulged in some characteristic remarks. "There is no place," he said, "where I hear our profession so well spoken of as here, and for that reason I always enjoy these gatherings. They remind me of a political meeting which I attended when I was breaking into politics as a candidate for the legislature. Blaine and Cleveland were the opposing political candidates. Both were well supported. Then I rose to tell a little about John Allen and his fitness for office. At the close of the meeting an old negro was called to the platform and said: 'Mr. Smith has done said all that can be said about Mr. Cleveland, and Mr. Jones has said all that can be said for Mr. Blaine, and Mr. Allen has recommended himself so well that I don't see as there is any occasion for me to speak.'"

THE DECALOGUE OF THE UNWRITTEN LAW—In an address delivered at the recent meeting of the American Bar Association, Thomas J. Kernan, of Baton Rouge, La., put forward the following summary of the principal concepts of the "unwritten law."

LAW I—Any man who commits rape upon a woman of chaste character shall, without trial or hearing of any kind, be instantly put to death by his captors, or other body of respectable citizens not less than three in number; and they shall have the right to determine the mode of execution, which may be both cruel and unusual, the constitution and laws of the State and of the United States to the contrary notwithstanding.

LAW II—Any man who commits adultery may be put to death with impunity by the injured husband, who shall have the right to determine the mode of execution, be it ever so cowardly.

LAW III—Any man who seduces an innocent girl may without a hearing be shot, or stabbed to death by her, or any near relative of hers; and if deemed necessary by the slayer, such shooting or stabbing may be done in the back or while lying in wait.

LAW IV—Any who traduces a virtuous woman's character for chastity may be shot with impunity by her or husband, or any near relative, but the offender must first be given an opportunity to deny or disprove the charge, or to retract or apologize.

LAW V—The survivor of a fatal duel must be acquitted if the duel was fairly conducted according to the time-honored provisions of the code of honor.

LAW VI—Any man who kills another in a fair fight shall not be found guilty of murder or manslaughter, but must be acquitted even though he be the sole aggressor.

LAW VII—The lie direct and certain other well known opprobrious epithets, which constitute moral insult, are each equal to a blow, and any of them justifies an assault.

LAW VIII—In prosecutions for stealing horses, cattle or hogs, the presumption of innocence is shifted in favor of the live stock, and the accused is presumed to be guilty.

LAW IX—In all civil suits by natural persons against corporations, the defendant corporation is presumed to be liable, and can establish want of liability only by a clear and decided preponderance of evidence.

LAW X—In every action by employee against employer for personal injury, the plaintiff shall recover damages unless the defendant employer proves want of liability beyond a reasonable doubt.

Notice to Trespassers
All persons are hereby notified not to trespass on the lands of the undersigned, near Hosterman, by hunting, cutting timber, digging ginseng, or in any other matter, under penalty of the law.
THOMAS HOUGHIN.

FOR SALE—1 Pair Black Percheon colts, 2 years old will weigh 2500 pounds; match perfectly. For further information apply to Sullenberger Bros., Monterey, Va.

ZELIKA,

A Story of the East.

It was a festival in Delhi, the wisest Bramin Hafiz renowned among his brethren for unbounded learning, secluded life and austere habits had given the hand of his beautiful and only daughter Zelika in marriage to a Bramin of the high Lacerdotal caste, the festivities of Delhi were in honor of the fair and high born maiden for the Hindoos always rejoice with great outward demonstration on such occasions even tho' the maiden should be of no high rank, now the gaitime was of ten fold joy or there was the palace of the moguls; the glittering throne with its golden palm tree and emerald peacock; the white elephant and gilded trappings; the Bramin in high turbans and of grace haughty demeanor, holding their robes closely for fear of contamination by touch with the multitude; the maharatta horsemen, the dancing girls decked as only Hindoo dancer can be; lastly jugglers with their strange fantastic doings; all to honor the nuptials of beautiful Zelika. The father the great and wise Hafiz had taught Zelika the ancient learning of the Hindoos and all their venerated customs, and while he bowed to the least of them and swerved in no wise before his nation he inwardly despised the superstition and folly of many age old practices. Not strange then that the sensible Zelika should see more clearly than other Hindoo maidens. She obeyed her father in the matter of marrying a rich high caste Bramin aged and wrinkled and herself so young and lovely, scarce more than a child yet emerging into the first flush of sweet maidenhood. We will here advert to the horrible custom of the Hindoos at the time prevailing and which the British rule abolished. This custom, the Suttle, namely the voluntary burning of a widow on the funeral pile of her husband, his dead body and her living body consumed together. England has doubtless made mistakes as regard her dominion of India, but all honor to the merciful authority of England in putting eternal end to the insane and awful Suttle.

Zelika was seated in a lofty palanquin beside the wrinkled aged bride groom. A shade of sadness mingled with the dazzling beauty of the young bride who smiled faintly at the gay pagentry around and with deep interest looked for her father whose form soon presented itself and presently waled beside her palanquin. As Zelika passed the portal of the bridegroom's home, a sigh escaped her which only Hafiz, the ambitious and double dealing Bramin observed. But was he not advancing his daughters best interest by this proud nuptial. It all seemed so, but he knew better the right he felt; the wrong pursued and the end thereof is always deplorable.

Another scene upon the banks of Jumna. A lofty funeral pile is there erected. That ancient bride groom has died that is the dreadful pyre. Zelika has never loved him, a tyrant treating her as a slave; and yet her serving women and mourners are loudly proclaiming his virtues and promising the bride to be burned by immemorial custom all manner of happiness in the Bramin heavens.

At the supreme moment when the living victim is to be cast on the funeral pile, Zelika with her pale face and the crimson spot upon her cheek, the deep sadness in her large dark eyes, Zelika is not to be found; so, her women announce as they beat their breasts and send forth their cries and lamentations, where is she! "Surely," says her Bramin parent with gathering wrath upon his brow, "my child will not fail in her wifely national sacred duty. Look again for your mistress, ye timid maids. A womanish tremor has arisen and Zelika seeks strength of the god Sheerah." "We have looked everywhere; our lady did repair to her favorite Kiosk, but when we sought to lead her hither in triumph, the gateway found

herself fled." Hafiz, who had left the presence of the bride, left his Bramin parent to chastise himself in a deep forest. On the high bank he sat in his lonely cell, no sound near save the deep forest. On the high bank he sat in his lonely cell, no sound near save the deep forest. On the high bank he sat in his lonely cell, no sound near save the deep forest.

Zelika, sore wounded in spirit, sadly left the forest lodge and re-entered the deep jungles. We return to the moment when she was expected for sacrifice. Zelika saw the flame of the funeral pile rise high even amid the glare of day, and she also saw the glorious light of nature in the soft warm Indian summer land, the flowers smiled up at her, the fond gazelle looked her hand, the fragrant air kissed her cheek, and Zelika faintly would live, not die. Had not her own father taught secretly the folly and sin of Hindoo superstitions, meant only for her ear to listen, yet was he too weak and proud to stand by his own convictions. So, Zelika fled.

But now, spurred by her father in the hour of lonely sorrow, she dropped from her spirit the hope of bright coming life and also the fear of speedy death. Another morning came. Passing out of the thick forest the tangled jungle whose fierce wild beasts had not once crossed her path, Zelika perceived a lovely valley surrounded by the trees she loved and there was a tank of clear water under the mangoes with the bright leaves of lotus floating on the surface. All nature was so soothing and she so exhausted, Zelika slept.

The step of a young girl in this sequestered vale awoke the sleeper, but at a gesture rather than a word, the girl rushed away down a steep hillside, Zelika followed and soon descried a bamboo cottage, if cottage it could be styled and heard voices. Presently a man and woman emerged and at once bowed themselves to the ground before her. Zelika never knew that they were of the low accursed race of Pariahs, the bottom stratum of Hindoo society whose touch merely was contaminating. Zelika made them to understand that she was willing and desirous to talk with them and their fears lessened. Pariahs lived to themselves and contact with others was death to them. Zelika told how she herself was now degraded for life having scorned the Suttle, and the Pariah women spoke kindly urging their women's shelter and care which the poor wanderer was fain to accept. Perhaps the father's wrath might be appeased in time. Alas! no. But the heart of Zelika was broken; and the hand of death was upon her. She lingered a few days, then passed away like a lovely flower blighted ere its prime. They dug her grave in that lonely valley where the cool waters forever murmured and the mournful cypress spread its sheltering green branches. They strewed the low grave with flowers and watered the turf with tears,—these abject ones, these poor cast-off Pariahs that no man cared for, did all this, and had soothed the last hours of the high born and beautiful daughter of Hafiz, the Bramin.

—Taken from the Token, an old book published in Boston, 1833.

REWARD
Lost, strayed or stolen, from the Moore Hacking on Alleghany Mountain, four miles south of Frost, 6 hogs, about a year old with crop off of left ear and swallow fork in right. Were missed between August 26 and September 5. If stolen, I will give a reward of \$20 upon return of hogs and an additional \$20 upon the conviction of the thief.
H. A. JORDAN.

RAIDS MISREPRESENTED

Mr. C. L. C. Burner Denies Story Printed About Him

Case W. Va. Sept 24 1906
Editor Daily Mail: As was stated in an issue of the Semi-Weekly Mail of Sept. 2, 1906, headed "Successful Raids," that I was connected with the pig's ear at Cass and that I was not able or did not find but very little booze by virtue of warrants in my hands, and that there was found in my warehouse 100 cases of whiskey of 3 gallons each and a large amount of rum & Extra Dry, and that my warehouse adjoins Ayres pig's ear.

Now I would have answered this sooner but I wished to investigate who was the author of such a falsehood, and what their object was for it. The man that gave this information did not do it through a mistake, but was aware that I was against the sale of whiskey or the handling of it in any way, but he had an "ax to grind." He says warrants were sent to me: There was one warrant sent me for two men and to search a certain house and seize liquor, wine, beer, etc., found therein, which I did the same day and delivered the men to the justice at Marlinton that evening. This was the only warrant I had to serve. As for Pat Simmons or anyone else making me the first, last or any other victim is not true. And I defy the man to prove it. And as for finding whiskey in my warehouse or any other house of mine is not true. There was never any one kept or sold liquor wine or beer or anything of the kind, in a house of mine. And I don't even use any of that kind of goods and that is more than the informer can say. I find by inquiry and the tone of the letter also, that he wants the support of a large number of dry votes this fall and is only advertising for votes. I think it a very unfair way of working for election. I will defy the prosecuting attorney to show by any one (successfully) that I ever was in my life connected with the sale of liquor or anything of the kind. I would just say as found in the Laws of God: "Let another man praise thee and not thine own mouth; a stranger and not thine own lips." The reason I suppose was that Mr. Simmons phoned for another warrant was that the one he had was not sufficient to cover what he wanted. And the reason he found so much more booze than I took, I told him where to find it, but my warrant did not call for it and I would not break open a house without sufficient warrant. And the man that made the statement formerly in the paper knew it was not true at the time, but thought he could raise himself by trying to injure me.

C. L. C. BURNER.

Our Advantage Over England
Few people realize how directly the English Government, may be subject to the will of the people even though that will may be a passing whim or a dangerous experiment. Between some law and its enactment an apparent popular mandate demands there is no obstacle save the House of Lords. The function of our courts to pass upon the constitutionality of a proposed law is not a function possessed by the English courts.

An illustration in point will soon attract general attention. Under the demands of the Labor leaders the Liberal Government passed a bill which practically makes all labor unions an exempt class, freeing them from obligation which attach to all other bodies of citizens. That bill says that in case of damage done by representatives of a union during a strike, even though sanctioned by such union, those damaged cannot collect damages from the union. Without going into the reason for drawing distinctions between labor unions and other organizations having charge of general funds, and why in the case of the former there should be, by general English opinion, less liability for damage, it may be said that any such sweep-

ing enactment as this cannot be but the beginning of a system of favoritism that if carried to its extreme would disrupt society. What will in all probability happen will be that the House of Lords will refuse the bill in the in which the House of Commons has passed it. As a result, the bill when it becomes a law, will probably embody a very different proposition as to the status of labor unions than that embodied in the bill in its present form.

But quite apart from what the House of Lords would be powerless to do, it is interesting to note that if the House of Lords should yield, the law making a special class of labor unions would go into effect immediately. No court in England could do anything more than enforce it. The question which would at once arise in America in case a similar bill were passed by our Congress as to whether such a law did not impair the right of other classes as protected in the Constitution, and which would, undoubtedly, in such a case result in a judicial declaration that such law was unconstitutional, cannot arise in England. There is no such thing as a doctrine of constitutionality applying in such a case.

Thus it is seen that in America the right of all classes are protected by a court system that decides as to whether Congress under its constitutional limitations can be permitted to enact certain laws. This is an evident safeguard against the misuse of the power of Congress, exercised in obedience to some popular wave of feeling which in the end the people will see to be wrong, and which in such case can only be temporary.

—The Bar.

In one of the addresses at the Sunday School Convention some points to this effect were insisted upon. Accepting the Bible at just what it claims to be, the word of God, not of private interpretation, and not coming in old time by the will of man, "but holy men of God spake as they were moved by the Holy Ghost."

This being the case, then may it not virtually be, "Love's labor lost" to demonstrate the Bible to be God's word, and then proceed to expound and apply its contents in a manner such as the Holy men of God might not approve. Could their sentiments be ascertained? Hence the point was insisted upon, that the Bible should be considered upon the assumption that the Holy men of God were qualified for their business, and could make themselves understood. If there be any valid reason to suspect their inability to do this, then it was a mistake or blunder to commit the life imparting oracles to their keeping. To one reading these "lively oracles," from Genesis to Revelation, conscientiously and studiously, certain queries present themselves on whose decision it depends whether the Bible be understood, expounded and applied as Moses, David, Isaiah, Jeremiah, Daniel, Ezekiel, the Minor Prophets, Paul, Peter, John and our Blessed Teacher Himself, whose "testimony is the spirit of prophecy" would endorse or approve as their teachings.

One of the most vital of these queries is this. In the mind of Jeremiah the Prophet to the nations, and Paul the Apostle to the nations, are the New Covenant or New Testament Times, pure and absolute yet to come, as, "The Hope of Israel!"

Bible readers inclined to investigate this momentous and timely question, will find it to their interest to consult Jeremiah 1:9-10, 16:14-15, 23:5-8, 31:31-34. What Paul writes pertinent to the question in hand, the reader will find Romans 15:18-13, Hebrews 1:1-4, Heb 2:5-9, Heb 8:6-13, Heb 10:16-18.

The National Hymn Extended

A new version of the National Hymn has been published by Mr. M. O. Zimmerman, of New York.

As explained by the author, the old form contained allusions that were applicable only to New England. Mr. Zimmerman has undertaken to have the hymn grow with the country and has added two stanzas, the third and fourth. Under its new production the hymn takes the name "All America."

It must be left to the individual to be improved or not, by the additions put to it. And unless there should be general sanction of the new revision the new stanzas must ultimately fall out of place. The new hymn is herewith reproduced:

All America
The National Anthem.

My country 'tis of thee,
Sweet land of liberty,
Of thee I sing;
Land where my fathers died;
Land of the Pilgrim's pride;
From every mountain side
Let freedom ring.

My native country, thee,
Land of the noble free,
Thy name I love,
I love thy rocks and rills,
Thy woods and templed hills;
My heart with rapture thrills
Like that above.

I love thy inland seas,
Thy sweet magnolia trees,
Thy palms and pines;
Thy canyons wild and deep,
Thy prairies' boundless sweep,
Thy rocky mountains steep
Thy matchless mines.

I love thy silvery strands,
Thy Golden Gate that stands
Afront the West;
Thy sweet and crystal air,
Thy sunshine everywhere;
O land beyond compare,
I love thee best.

Then, music swell the breeze,
And ring from all the trees
Sweet freedom's song;
Let mortal tongues awake;
Let all that breathe partake;
Let rocks their silence break,
The sound prolong.

Our fathers' God, to Thee,
Author of liberty,
To thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by thy might,
Great God, our King.

CHEASPEAKE & OHIO RAILWAY

Schedule in effect July 29 1906, subject to change without notice.

Faster Time

Lv Marlinton 8:31 a.m. daily and 4:38 p.m. ex Sunday.

Ar Ronoverto 10:45 a.m. 6:77 pm ex Sun

From Ronoverto

Limited for Cincinnati, St. Louis, Chic

Louisville, Nashville, Memphis,

8:18 a.m. 10:43 a.m. and 11:48 p.m. daily.

Express for hinton

10:43 p.m. weekdays.

Local for Huntington

11:30 a.m. daily

Limited for Washington, Baltimore,

Philadelphia, New York, Richmond,

Old Point and Norfolk.

8:10 a.m. and 10:30 p.m. daily

Express for Richmond, Old Point

Comfort and Norfolk.

7:05 a.m. daily

West Virginia Express for Clifton

Forge and Hot Springs

7:45 p.m. weekdays.

Local for Charlottd ville,

3:37 p.m. daily.

ply given to this Professor in one

of the most noted universities of

the Southland, is at the service of

the inquiring reader. "Do just as Paul himself advises." Had I a thousand tongues, and two thousand hands all would be used with might and main, calling attention to Paul's recommendation in Heb 10:19-39, chapters eleven, twelve and thirteen at one reading down to where these words appear. "Now the God of peace that brought again from the dead our Lord Jesus Christ, that great shepherd of the sheep, through the blood of the everlasting covenant. Make you perfect in every good work to do his will, working in you that which is well pleasing in his sight, through Jesus Christ to whom be glory forever and ever, Amen.